

1 SEDGWICK, DETERT, MORAN & ARNOLD LLP  
 2 STEVEN D. ROLAND (Bar No. 108097)  
 3 RANDALL G. BLOCK (Bar No. 121330)  
 4 TARA L. CONDON (Bar No. 215312)  
 5 One Market Plaza, Steuart Tower, 8th Floor  
 San Francisco, California 94105  
 Telephone: (415) 781-7900  
 Facsimile: (415) 781-2635  
 6 Attorneys for CATERPILLAR INC.  
 7



8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA

10 CATERPILLAR INC., a Delaware  
 11 Corporation,

CASE NO. 5:06-CV-04529

12 Plaintiff,

13 v.

14 RENN TRANSPORTATION COMPANY,  
 15 a California General Partnership, BRAD  
 16 RENN, GERALD RENN, PATRICIA  
 RENN, ANN RENN, and ROBERT  
 RENN, individuals, and DOES 1-10,

**STIPULATION FOR FILING OF SECOND  
 AMENDED COMPLAINT**

17 Defendant.

18  
 19  
 20 IT IS HEREBY STIPULATED by and between the parties hereto through their  
 21 respective attorneys of record that Plaintiff shall be entitled to file a Second Amended Complaint  
 22 ("SAC"). IT IS FURTHER STIPULATED that, in the event that Plaintiff files the SAC no later  
 23 than Friday, November 3, 2006, Defendants Renn Transportation Company, Brad Renn, Patricia  
 24 Renn, Ann Renn and Robert Renn shall have to and including Monday, November 20, 2006 to  
 25 file a response to the SAC; however, if Plaintiff does not file its SAC on or before Friday,  
 26 November 3, 2006, then Defendants Renn Transportation Company, Brad Renn, Patricia Renn,  
 27 Ann Renn and Robert Renn shall have 10 court days from the date of service of the SAC to file  
 28 and serve a response.

1 IT IS FURTHER STIPULATED that, in light of the foregoing, Defendants Renn  
2 Transportation Company, Brad Renn, Patricia Renn, Ann Renn and Robert Renn need not  
3 respond to Plaintiff's First Amended Complaint, filed October 4, 2006.

4 Dated: October 27, 2006

5 SEDGWICK, DETERT, MORAN & ARNOLD LLP

6 By: /s/ Tara L. Condon

7 Randall G. Block

8 Tara L. Condon

9 Attorneys for Plaintiff Caterpillar Inc.

10 Dated: October 27, 2006

11 FOLGER LEVIN & KAHN LLP

12 By: /s/ Matthew S. Mazza

13 Matthew S. Mazza

14 Attorneys for Defendants Renn Transportation  
15 Company, Brad Renn, Patricia Renn, Ann Renn  
16 and Robert Renn

17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

ATTESTATION OF SIGNATURE  
(N.D. Cal. General Order No. 45)

I, Tara L. Condon, hereby attest that concurrence in the filing of the ***Stipulation for Filing Second Amended Complaint*** has been obtained from Matthew S. Mazza, attorney for Defendants Renn Transportation Company, Brad Renn, Patricia Renn, Ann Renn and Robert Renn.

8 Dated: October 27, 2006 SEDGWICK, DETERT, MORAN & ARNOLD LLP

## SEDGWICK, DETERT, MORAN & ARNOLD LLP

10 By: /s/ Tara L. Condon  
11 Randall G. Block  
Tara L. Condon  
Attorneys for Plaintiff Caterpillar Inc.